

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:06cv133**

ANDREW J. SMITH,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
UNITED STATES OF AMERICA; and)	
MAURICE ANDRE LANDRY,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on the United States of America's Motion to Substitute the United States of America as the Proper Defendant. Having considered the United States of America's motion and reviewed the pleadings, and it appearing that the United States Attorney has certified that Defendant Landry was at the time of the alleged accident acting within the course and scope of his employment, and that plaintiff consents to the proposed relief, the United States of America will be substituted for Defendant Landry, all in accordance with 28 U.S.C. § 2679(d).

ORDER

IT IS, THEREFORE, ORDERED that the United States of America's Motion to Substitute the United States of America as the Proper Defendant(#9) is **GRANTED**, the United States of America is **SUBSTITUTED** as the real party in interest for Defendant Landry, and Defendant Landry is **DISMISSED** as a party defendant to this lawsuit.

Signed: January 17, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

